

**REMARKS**

**Status of the Claims**

Claims 3, 8-9, 13, 15-27, 29-31, 33-54, 56-72, 74-76, and 83-88 are cancelled herein without prejudice to renewal in the instant application or to filing in one or more continuation and/or divisional applications. Please note that claim cancellations are not to be construed as abandonment of any cancelled subject matter.

Claims 1-2, 4-7, 10-12, 14, 28, 32, 55, 73, and 77-82 are pending with entry of this amendment.

**CONCLUSION**

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5452.

October 26 2004

Maxygen, Inc.  
Intellectual Property Dept.  
515 Galveston Drive  
Redwood City, CA 94063  
Customer Number 30560

Phone: (650) 298-5452 (direct)  
(650) 298-5300 (main)  
Fax: (650) 298-5446

Respectfully submitted,



Joanne R. Petithory, Ph.D.  
Reg. No. 42,995